

Place of Confinement

Mailing Address

City, State, Zip Code

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

_____,)
(Full Name of Petitioner))

Petitioner,

VS.

CASE NO. _____
(To be supplied by the Clerk)

(Name of Warden, Superintendent, Jailor or
authorized person having custody of Petitioner)

Respondent,

and

THE ATTORNEY GENERAL OF THE STATE OF

**PETITION FOR WRIT OF HABEAS CORPUS
BY A PERSON IN STATE CUSTODY
PURSUANT TO 28 U.S.C. § 2254
(NON-DEATH PENALTY)**

_____, Additional Respondent.)

A. JUDGMENT OF CONVICTION

1. Name and location of court which entered the judgment of conviction you are challenging: _____
2. Case Number: _____
3. Date of judgment of conviction: _____ (month/day/year)
4. Length and terms of sentence(s): _____
5. Nature of offense(s) of which you were convicted (all counts): _____
6. What was your plea? **G** Guilty **G** Not guilty **G** Nolo contendere
7. Kind of trial: **G** Jury **G** Judge only
8. Did you testify at the trial? **G** Yes **G** No

B. APPEALS

1. Did you appeal the conviction or sentence? **G** Yes **G** No

If you did appeal, answer the following:

- a. Name of court: _____
- b. Date the appeal was filed: _____ (month/day/year)
- c. Result: _____
- d. Date the appeal was decided: _____ (month/day/year)
- e. Date the mandate was issued: _____ (month/day/year)

2. Did you seek review of your appeal in the state supreme court? **G** Yes **G** No

If you did file a petition for review, answer the following:

- a. Date the petition was filed: _____ (month/day/year)
- b. Result: _____
- c. Date the petition was decided: _____ (month/day/year)
- d. Date the mandate was issued: _____ (month/day/year)

C. FIRST STATE POST-CONVICTION PROCEEDINGS

1. Did you file a petition for post-conviction relief in the state court? **G** Yes **G** No

If you did file a petition for post-conviction relief, answer the following:

- a. Name of court: _____
- b. Date the notice of post-conviction relief was filed: _____ (month/day/year)
- c. Date the petition was filed: _____ (month/day/year)
- d. Result: _____
- e. Date the petition was decided: _____ (month/day/year)

2. Did you seek review of your first petition in the court of appeals? **G** Yes **G** No

If you did file a petition for review, answer the following:

- a. Date the petition was filed: _____ (month/day/year)
- b. Result: _____
- c. Date the petition was decided: _____ (month/day/year)
- d. Date the mandate was issued: _____ (month/day/year)

3. Did you seek review of your first petition in the state supreme court? **G** Yes **G** No

If you did file a petition for review, answer the following:

- a. Date the petition was filed: _____ (month/day/year)
- b. Result: _____
- c. Date the petition was decided: _____ (month/day/year)
- d. Date the mandate was issued: _____ (month/day/year)

D. SECOND STATE POST-CONVICTION PROCEEDINGS

1. Did you file a second petition for post-conviction relief in the state court? **G** Yes **G** No

If you did file a second petition for post-conviction relief, answer the following:

- a. Name of court: _____
- b. Date the notice of post-conviction relief was filed: _____ (month/day/year)
- c. Date the petition was filed: _____ (month/day/year)
- d. Result: _____
- e. Date the petition was decided: _____ (month/day/year)

2. Did you seek review of your second petition in the court of appeals? **G** Yes **G** No

If you did file a petition for review, answer the following:

a. Date the petition was filed: _____ (month/day/year)

b. Result: _____

c. Date the petition was decided: _____ (month/day/year)

d. Date the mandate was issued: _____ (month/day/year)

3. Did you seek review of your second petition in the state supreme court? **G** Yes **G** No

If you did file a petition for review, answer the following:

a. Date the petition was filed: _____ (month/day/year)

b. Result: _____

c. Date the petition was decided: _____ (month/day/year)

d. Date the mandate was issued: _____ (month/day/year)

E. OTHER STATE PROCEEDINGS

1. Did you seek review of your conviction in any other state proceeding? **G** Yes **G** No

If you did challenge your conviction in some other action, answer the following:

a. Nature of the action: _____ (e.g., special action, habeas corpus, etc.)

b. Name of court: _____

c. Date the action was filed: _____ (month/day/year)

d. Result: _____

e. Date the action was decided: _____ (month/day/year)

2. Did you seek review of the other action in the court of appeals? **G** Yes **G** No

If you did file a petition for review, answer the following:

a. Result: _____

b. Date the petition was decided: _____ (month/day/year)

3. Did you seek review of the other action in the state supreme court? **G** Yes **G** No

If you did file a petition for review, answer the following:

a. Result: _____

b. Date the petition was decided: _____ (month/day/year)

Attach a copy of all state court written decisions regarding your conviction or sentence

F. FEDERAL PROCEEDINGS

Is this your first federal petition for writ of habeas corpus challenging this conviction? **G** Yes **G** No

If this is not your first federal petition challenging this conviction, answer the following:

1. Name of court where the prior petition was filed: _____

2. Date the petition was filed: _____ (month/day/year)

3. Case number of the prior action: _____

4. Date the action was decided: _____ (month/day/year)

5. Did you raise any of the issues in this petition in your prior petition? **G** Yes **G** No

6. Was the prior petition **G** Granted, **G** Denied on the merits, or **G** Denied on procedural grounds?

7. If the prior petition was denied, has the Ninth Circuit Court of Appeals granted permission to file this successive petition? **G** Yes **G** No

Attach a copy of all Ninth Circuit Court of Appeals written decisions

G. PENDING PROCEEDINGS

Do you have any appeal, petition, application, motion or other action currently pending regarding the conviction you are challenging in this petition? **G** Yes **G** No

If you do have an action currently pending regarding your conviction, answer the following:

1. Nature of the action: _____ (e.g., appeal, special action, habeas corpus, etc.)
2. Name of court where the action is pending: _____
3. Date the action was filed: _____ (month/day/year)

H. REPRESENTATION

Who was the attorney who represented you in the following state court proceedings? Identify whether the attorney was appointed, retained, or whether you represented yourself pro se (without counsel).

	Name of Attorney	Appointed	Retained	Pro Se
1. Preliminary hearing: _____		G	G	G
2. Arraignment and plea: _____		G	G	G
3. Trial/guilty plea: _____		G	G	G
4. Sentencing: _____		G	G	G
5. Direct appeal: _____		G	G	G
6. First post-conviction petition: _____		G	G	G
7. Second post-conviction petition: _____		G	G	G

I. OTHER SENTENCES

Do you have any other sentences to serve after you complete the sentence imposed by the judgment you are challenging in this petition? **G** Yes **G** No

If you do have other sentences to serve, answer the following:

1. Name of the court that imposed the other sentence: _____
2. Date of judgment of conviction: _____ (month/day/year)
3. Length and terms of sentence: _____
4. Have you filed or do you plan to file any petition attacking the judgment which imposed the sentence to be served in the future? **G** Yes **G** No

CLAIMS FOR RELIEF

On the following pages, state concisely every ground for which you claim that your conviction or sentence violates the United States Constitution or other federal law. Your claims should not be based on state law. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and supporting facts. **You must raise all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being raised in any subsequent federal action.**

J. GROUND I

1. My state conviction or sentence violates the following constitutional right or other federal law: _____

2. **Supporting Facts:** (State as briefly as possible the FACTS supporting Ground I. State the facts clearly in your own words without citing cases or legal arguments).

3. Exhaustion of state court remedies:

a. Did you present the issue raised in Ground I to the state supreme court? **G** Yes **G** No

b. If you did present the issue to the state supreme court, was the issue presented:

G In a direct appeal

G In your first post-conviction relief proceeding

G In your second post-conviction relief proceeding

G Other: _____ (e.g., special action, habeas corpus, etc.)

c. If you did not present the issue to the state supreme court, explain why you did not:

K. GROUND II

1. My state conviction or sentence violates the following constitutional right or other federal law: _____

2. **Supporting Facts:** (State as briefly as possible the FACTS supporting Ground II. State the facts clearly in your own words without citing cases or legal arguments).

3. Exhaustion of state court remedies:

a. Did you present the issue raised in Ground II to the state supreme court? **G** Yes **G** No

b. If you did present the issue to the state supreme court, was the issue presented:

G In a direct appeal

G In your first post-conviction relief proceeding

G In your second post-conviction relief proceeding

G Other: _____ (e.g., special action, habeas corpus, etc.)

c. If you did not present the issue to the state supreme court, explain why you did not:

L. GROUND III

1. My state conviction or sentence violates the following constitutional right or other federal law: _____

2. **Supporting Facts:** (State as briefly as possible the FACTS supporting Ground III. State the facts clearly in your own words without citing cases or legal arguments).

3. Exhaustion of state court remedies:

a. Did you present the issue raised in Ground III to the state supreme court? **G** Yes **G** No

b. If you did present the issue to the state supreme court, was the issue presented:

G In a direct appeal

G In your first post-conviction relief proceeding

G In your second post-conviction relief proceeding

G Other: _____ (e.g., special action, habeas corpus, etc.)

c. If you did not present the issue to the state supreme court, explain why you did not:

M. GROUND IV

1. My state conviction or sentence violates the following constitutional right or other federal law: _____

2. **Supporting Facts:** (State as briefly as possible the FACTS supporting Ground IV. State the facts clearly in your own words without citing cases or legal arguments).

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- ### 3. Exhaustion of state court remedies:

- a. Did you present the issue raised in Ground IV to the state supreme court? **G** Yes **G** No

- b. If you did present the issue to the state supreme court, was the issue presented:

G In a direct appeal

G In your first post-conviction relief proceeding

G In your second post-conviction relief proceeding

G Other: _____ (e.g., special action, habeas corpus, etc.)

- c. If you did not present the issue to the state supreme court, explain why you did not:

WHEREFORE, Petitioner prays that the court will grant Petitioner the relief to which he may be entitled in this proceeding.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
DATE

SIGNATURE OF PETITIONER

(Name and title of paralegal, legal assistant or
other person who helped prepare this petition)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If needed, you may attach additional pages. The form, however, must be completely filled in to the extent applicable.